

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

Information Disclosure Statement

The Examiner stated that the Information Disclosure Statement fails to comply with 37 CFR 1.98(a)(2). The Examiner requested that the Applicants provide a legible copy of each cited foreign patent document.

In Response, Applicants submit legible copies of all cited foreign patent documents.

Specification

The specification has been objected to because the arrangement is improper and because a period should be used in place of a comma for the statement on page 1, line 34, “usually max. 0,6 mm.”

In Response, proper headings have been added where applicable and the statement has been amended to read --usually max. 0.6 mm--.

Claim Objections

Claim 7 has been objected to as being in improper form because a multiple dependent claim should refer to other claims in the alternative only.

Claims 7 has been amended by changing the phrase “one or more of the preceding claims” to “one of claims 1 to 3.”

Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Orlandi (U.S. Patent No. 5,433,378) in view of Osvaldo (U.S. Patent No. 6,089,462).

The Examiner noted that reference numeral (23) in Orlandi indicates a slider. However, Applicant’s respectfully disagree. Reference numeral (23) of Orlandi does not indicate a slider, rather reference numeral (23) indicates a pulling sleeve (23) which rotates the displaceable upper disc (22). The pulling sleeve (23) of Orlandi corresponds

to the transmission member (13) of the presently claimed invention. The member of Orlandi that corresponds to the slider (8) of the presently claimed invention is a cage (32) (see, Orlandi Figs. 1-3 and col. 3, lines 1-3 and 48-57).

Moreover, the Examiner stated that the slider (cage 32) in Orlandi sealingly slides in a central seat (21b) of the upper disc (22). However, the cage (32) in Orlandi sealingly slides in a central chamber/seat (25) formed in the pulling sleeve (23), not in the central seat (21b) of the upper disc (22). Thus, the slider of Orlandi never enters the upper disc as disclosed and claimed in the present application. (see, Orlandi Figs. 1-2 and col. 3, lines 8-11 and 45-47).

Additionally, the access path of the hot water to the mixing chamber in Orlandi is not completely formed within the base (13) and the two ceramic discs (21, 22) as stated by the Examiner. The access path of Orlandi is defined by a conduit (27) that extends above the members into the pulling sleeve (23) to reach the central mixing chamber (25). (see, Orlandi Figs. 1-2, and col. 3, lines 17-24 and 34-41).

Therefore, as discussed herein, the presently claimed invention is distinguishable from and patentable over Orlandi in view of Osvaldo.

No new matter has been added and it is urged that the claims are now in proper form in all respects. Reconsideration and removal of the rejections is therefore proper and earnestly solicited.

Fees

This response is being filed within the shortened period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Conclusion

In view of the actions taken and arguments presented, it is respectfully submitted that each of the matters raised by the Examiner has been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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